

REMARKS

In the Office Action dated April 24, 2007, the Examiner objected to claims 1 and 35 based on informalities; rejected claim 38 under 35 U.S.C. § 102(b) as being anticipated by WO 96/28198 (WO '198); and allowed claims 1-37.

By this Reply, Applicants have amended claims 1, 35, and 38. Claims 1-38 are currently pending. No new matter has been added by this Reply.

At the outset, Applicants gratefully acknowledge the Examiner's allowance of claims 1-37.

Claim 38 has been amended to recite, among other things, a method for the extracorporeal treatment of blood to be implemented on a device having "a first tube having a first end and a second end, the first end of said first tube being connected only to the second outlet of the exchanger, and the second end of said first tube being connected only to the first inlet of the treatment unit; the first fluid outlet of the treatment unit being in fluid communication with the blood input line;" (emphasis added) the method comprising the step of "filtering all of the first filtrate coming from the second fluid outlet of the exchanger and flowing only via said first tube at least a second time by introducing all of said first filtrate in the first inlet of the treatment unit" (emphasis added). Support for these amendments can be found in the specification, for example, at Fig. 5 and page 10, lines 19-21.

In the Office Action, the Examiner objected to allowed claims 1 and 35 based on informalities. Applicants have amended claims 1 and 35 in accordance with the Examiner's suggestions. Accordingly, the objections to allowed claims 1 and 35 have been rendered moot. Thus, Applicants respectfully ask the Examiner to withdraw the objections to allowed claims 1 and 35.

Applicants respectfully traverse the Examiner's rejection of claim 38 under 35 U.S.C. § 102(b) as being anticipated by WO 96/28198 because the cited reference does not disclose or suggest each and every element of amended claim 38. The Examiner contends that WO '198 "teaches a device for the extracorporeal treatment of blood comprising first filter (10) and a second filter (13) comprising membranes inherently separating chambers into a first chamber and a second chamber. . . and a second outlet of the second chamber of the first filter (10) connected to the first inlet of the second chamber of the second filter (13) via a line" (Office Action at 2.) WO '198 does not, however, disclose "the first end of said first tube being connected only to the second outlet of the exchanger, and the second end of said first tube being connected only to the first inlet of the treatment unit" (emphasis added), as recited in amended claim 38. Fig. 2 (and page 4) of WO '198 disclose a line 12 connecting an outlet of the first filter 10 to both an outlet line from the second filter 13 and to the inlet of a reactor 15. The other outlet of first filter 10 in WO '198 leads to venous line 23. Thus, WO '198 does not teach this limitation of amended claim 38. Accordingly, for at least this reason, amended claim 23 is allowable over WO '198.

The Examiner also contends that WO '198 teaches "filtering blood through the first filter (10) to produce first filtrate (11), filtering all of the first filtrate (11) coming from the second fluid outlet (11) of the first filter (10) at least a second time by introducing all of the first filtrate in the first inlet of the second filter (13)." (Office Action at 3.) WO '198 does not, however, disclose "filtering all of the first filtrate coming from the second fluid outlet of the exchanger and flowing only via said first tube at least a second time by introducing all of said first filtrate in the first inlet of the treatment unit" (emphasis

added), as recited in amended claim 38. In fact, WO '198 discloses that “the filtrate 11, from the first filter 10 is now mixed with the retentate, 12, of the second filter, 13, which contains gel beads, 14, with the immobilized CD4 receptor. The mixture is passed through the reactor” before entering the first inlet of the second filter [treatment unit]. (WO '198 at page 4, lines 23-26.) Therefore, the first filtrate does not flow only via said first tube before being introduced in the first inlet of the treatment unit and WO '198 does not teach this limitation of amended claim 38. Accordingly, for at least this reason, amended claim 38 is allowable over WO '198.

The Examiner further contends that WO '198 teaches “sending a retentate e.g. non-filtered liquid from the second chamber of the second filter (13) to a drain line which is connected to the second fluid outlet (12) of the second filter (13) (see figure 2; page 4).” (Office Action at 3.) Applicants disagree. Fig. 2 of WO '198 does not disclose a waste drain line connected to the second filter 13 at all. Second filter 13 contains two outlet lines; line 18, which connects to the inlet of the first filter, and line 12, which connects to line 11, which in turn recycles material through reactor 15 and back into second filter 13. Because retentate exits second filter 13 through line 12 and is recycled back into second filter 13, line 12 cannot be considered a waste drain line. Thus, WO '198 does not disclose “sending a non-filtered liquid from the second chamber of the treatment unit to a waste drain line, said waste drain line being connected to the second fluid outlet of the treatment unit” (emphasis added), as recited in amended claim 38. Accordingly, for at least this additional reason, amended claim 38 is allowable over WO '198.


In view of the foregoing amendments and remarks, Applicants respectfully requests reconsideration and reexamination of this application and the timely allowance of previously-allowed claims 1-37 and amended claim 38.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, L.L.P.

Dated: July 20, 2007

By: 
Aaron L. Parker
Reg. No. 50,785